

01-03-02

Receipt

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DEC 28 2001 IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:
JOSEPH HONEIN

Serial No.: 09/993,443

Filed: 11/19/01

Attorney File: IM 1725

PRIOR Group Art Unit: 3634

PRIOR Examiner: A. CHIN SHUE

For: COMPOSITE SCAFFOLDING PLANK AND METHOD OF FORMING SAME

REQUEST FOR CORRECTION OF FILING RECEIPT

Assistant Commissioner for Patents
Washington, D.C. 20231

Office of Initial Patent Examination
Customer Service Center

Sir:

Correction of the Filing Receipt is requested.

The correct Domestic Priority data is:

--- THIS APPLICATION IS A CON OF 09/320,221 05/26/99
AND A CIP OF 08/739,799 10/30/1996
WHICH CLAIMS BENEFIT OF 60/005,774 10/31/1995 ---

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JAN 16 2002

GROUP 3000

FACTS:

1. The applicant through error without any intention to deceive or misstate the Domestic Priority data initially used the series code 08 with the Serial No.320,221 in the heading of the 37CFR 1.53(b) form and replicated that error in two other places in the form, however, the correct filing date of 05/26/99 and the correct applicant and the correct title were given in item 1 and the correct filing date was given in addition in item 7 of the form

(a copy of the form only as filed is attached as EX. A). Also in the papers filed with the application and attached to Ex. A, there was a Power of Attorney with the correct series code, serial no. and filing date, applicant and title of the parent application. With the abundance of additional information on the form, it is submitted that the error could and should have been corrected in the filing branch.

2. The error was noted in the filing branch, since it is noted as an inconsistency on the filing receipt (copy attached as EX. B).

3. Apparently reference was made to the first page of the prior application (copy attached as EX. C), which was submitted as required by the rule, since applicant finds that the prior representative also made a mistake in a series code referring to a series as 09 when it should have been 08 (i.e., 09/739,799 instead of 08/739,779), however the correct filing date and applicant appear with that error and it could and should have been corrected, based on the totality of the information provided.

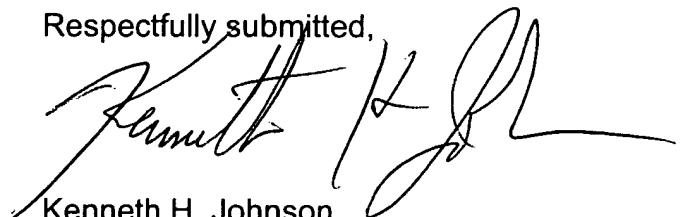
4. In fact when the prior application was filed with this error, it was corrected by the filing branch as shown in the filing receipt of the prior application (copy attached as EX. D). Thus, it has been the practice of the filing branch to correct obvious errors at least in the series codes, when there is other clear information which establishes the correct Domestic Priority data. It is also submitted that such errors in series codes may be common, since the two errors here were made by separate unrelated counsel, and that most practitioners and their staffs are not acutely aware of the years covered by the series codes and for that reason an error in a series code is not readily discernable.

5. Furthermore, 37CFR 1.5 states that the application may be identified with the series code and the serial number or the serial number and the filing date and the MPEP

provides in 502 that, "A minor error in the identification of the application can be corrected by the group provided the correct identification can be quickly discovered."

Applicant regrets the confusion caused by this error and that of the prior representative, but requests the correction of the filing receipt since the errors are minor and the correct information is easily discovered.

Respectfully submitted,



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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Assistant Commissioner for Patents
Washington, D.C. 20231

on 12/28/01.

